

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:15-MC-00105-MOC-DSC**

**IN RE: MOTION TO QUASH
SUBPOENA DUCES TECUM ISSUED
TO BRIAN EBERHARD**

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ORDER

THIS MATTER is before the Court on “Physicians Choice Laboratory Services, LLC’s Motion to Quash Subpoena Duces Tecum Served on Brian Eberhard” (document #1). The Motion was transferred to this Court from the Middle District of Tennessee on June 11, 2015.

This Motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1), and is now ripe for the Court’s consideration.

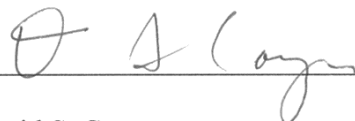
The Court has carefully considered the record, authorities and the parties’ argument. The Court will deny the Motion to Quash.

If Physicians Choice Laboratory Services, LLC contends that any responsive documents are confidential, they shall be produced pursuant to a protective order negotiated by the parties. If the parties are unable to agree upon a protective order, they should file a motion for entry of protective order along with their respective proposed orders. If Physicians Choice Laboratory Services, LLC contends that any documents are covered by attorney-client or attorney work product privileges, they shall serve a privilege log on the opposing party.

The Clerk is directed to send copies of this Order to counsel of record; and to the Honorable Max O. Cogburn, Jr.

SO ORDERED.

Signed: June 30, 2015



David S. Cayer
United States Magistrate Judge

